



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,662	05/21/2004	Hua-Chun Hsieh	MTKP0060USA	3661
27765 7590 11/14/2007 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER MOTSINGER, SEAN T	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 11/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com
Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com.tw

Office Action Summary

Application No.

10/709,662

Applicant(s)

HSIEH, HUA-CHUN

Examiner

Sean Motsinger

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/16/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :
7/6/2006,6/15/2004,6/3/2004,5/21/2004.

Response to Applicants Arguments/Amedments

1. Applicant's election with traverse of the requirement for election of species in the reply filed on 8/21/2007 is acknowledged. The traversal is on the ground(s) that the the species are not mutually exclusive, the species are not patentable distinct and there is no search burden. This argument is found persuasive because of the assertion that the species are not patentably distinct. As stated in the requirement for restriction, with the admission that the species are not patentably distinct applicant is asserting that one species is obvious in view of the other. The examiner accepts this assertion and therefore the restriction is no longer proper, since species II is admitted by applicant to be obvious in view of species I.

Rejections Under 35 U.S.C. 112 Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15, 21-22 and 26-8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Re claim 1 In step e and f the image data cannot be decoded and decoded again. Examiner believes "Decoding" in step e is meant to read "reading" as written in claim 16.
4. Re claim 7 and 21, these claims are unclear because one cannot read "the encoded data" from a memory that has not been stored too yet.
5. Re claim 12 claim 12 is unclear because "corresponding into" makes no sense it is believed applicant intended "into" to read "to."
6. Re claim 26 and 27 these claims are unclear because the terms "disc data" and "miscellaneous data" are used for the same element. Examiner believes applicant intended disc data to read "miscellaneous data" as in claim 12.
7. Re claims 22 and 28 these claims are rejected for depending from unclear base claims.

Rejections Under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2624

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 2, 6, 7 and 15 rejected under 35 U.S.C. 102(a) as being anticipated by the admitted prior art (hereinafter "APA") in the specification.

9. Re claim 1 APA discloses A method for generating a user's favorite logo of an image display device, the method comprising: (a) providing a plurality of image data on the image display device (see paragraph 12 note a plurality of data is decoded and displayed on the image display device also note this claim element does not require that the data be displayed simultaneously furthermore "image data" is different from an "image" a plurality of "image data" could even be a plurality of image blocks); (b) selecting an image data (captures and image data in response to a control signal see paragraph 13) from the plurality of image data; (c) encoding the image data selected from the plurality of image data for generating an encoded image data (encodes the captured image data see paragraph 13)); (d) storing the encoded image data in a first memory (data is stored in a flash memory see paragraph 14); (e) reading (read paragraph 15) the encoded image data from the first memory when the image display device is re-started (paragraph 15 when the image display device 10 is restarted) and f) decoding (decoding paragraph 15) the encoded image data for generating a decoded image data after performing step (e), and (g) displaying the decoded image data on the image display device (displayed paragraph 15).

10. Re claim 2 the APA further discloses wherein the plurality of image data provided in step (a) are captured from a dynamic image file (see paragraph 6)
11. Re claim 6 the APA further discloses wherein the first memory is a flash memory (flash memory see paragraph 14)
12. Re claim 7 the APA further discloses reading an existing image data in the first memory and the encoded image data before performing step (see paragraph 14 note the existing data must be read out to rearrange the "empty clusters")) (d); wherein step (d) stores the existing image data and the encoded image data back to the first memory. (see paragraph 14 note the empty clusters are rearranged so existing data and encoded image data are stored)
13. Re claim 15 the APA further an image display device for performing the method of claim 1 (see paragraph 4).

Rejections Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2624

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants APA and Dyas et al US 6,504,494.

15. Re claims 3 The APA discloses all of the elements of claim 1 and adjusting parameters prior to encoding the APA does not disclose (h) quantizing the image data selected in step (b); wherein step (c) further comprises encoding the image data quantized in step (h). However Dyas discloses quantizing the image data to be stored (see abstract and figure 1 step 120); wherein step (c) further comprises encoding (entropy encoding column 6 lines 30-35) the image data quantized in step (h). Quantizing an image before performing entropy encoding is well known as shown in Dyas. Therefore one of ordinary skill in the art would have known how to quantize prior to encoding, and the results adjusting compression size (see abstract) are also predictable. Therefore it would have been obvious at the time of the invention to combine that APA with Dyas

16. Re claim 4 Dyas further discloses detecting the size (column 4 lines 45-55 note it approximates file size based on quantization factor) of the image data selected in step (b), and step (h) further comprising quantizing the image data selected in step (b) according to the size of the image data (determines the quantization size to achieve a predetermined file size column 4 lines 45-55).

17. Re claim 5 the APA further discloses detecting whether remaining space of the first memory is enough to store the encoded image data (paragraph 14 memory is large enough); when the remaining space of the first memory is enough to store the encoded image data (if remaining space is not large enough paragraph 14), performing step (d); and when the remaining space of the first memory is not enough to store the encoded image data, quantizing the selected image data again (reconfigure parameters paragraph 14).
18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of common knowledge in the art.
19. Re claim 8, the APA discloses all of the elements in claim 7, it does not disclose erasing at least part of the first memory before performing step (d). However examiner is taking official notice that it is notoriously well known in the art to erase data if necessary prior to storing data. The motivation to combine is also well known such as the memory being full. Therefore it would have been obvious at the time of the invention to combine the APA with common knowledge in the art to reach the aforementioned advantage.
20. Claims 9-10 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Seto et al US 6,335,979.

21. Re claim 9, the APA discloses all of the elements in claim 1, the APA does not disclose detecting display parameters of the selected image data and storing the display parameters of the selected image data in a second memory. However Soto discloses detecting display parameters of the selected image data and storing the display parameters (display parameters are stored see abstract) of the selected image data. The motivation to combine is that the operator need not know display parameters (i.e. they are set without operator intervention) see abstract. Therefore it would have been obvious to combine APA and SETO to reach the aforementioned advantage.
22. Re claim 10 Seto further discloses reading the display parameters from the second memory before performing (note the parameters must be read to display in accordance with them see abstract) step (g); wherein step (g) further comprises displaying the decoded image data on the image display device according to the display parameters (see abstract).
23. Re claim 12, the APA discloses all of the elements in claim 1, the APA does not disclose further comprising storing miscellaneous data corresponding into the selected image data in a second memory.. However Soto discloses storing miscellaneous data corresponding (display parameters are stored see abstract) to the selected image data. The motivation to combine is that the operator need not

Art Unit: 2624

know display parameters (i.e. they are set without operator intervention) see abstract. Therefore it would have been obvious to combine APA and SETO to reach the aforementioned advantage.

24. Re claim 13 Seto further discloses reading the miscellaneous data (display parameters see abstract) from the second memory before performing (note the parameters must be read to display in accordance with them see abstract) step (g); wherein step (g) further comprises displaying the decoded image data on the image display device according to the miscellaneous data (see abstract).
25. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Seto et al US 6,335,979 and common knowledge in the art.
26. Re claim 11 Seto and the APA disclose all of the elements of claim 9 they do not disclose wherein the second memory is an electrically erasable programmable read only memory (EEPROM). However the examiner is taking official notice that one of ordinary skill in the art would know how to store data on any memory system including an EEPROM and the results (having data stored on an EEPROM) would be predictable. Therefore it would have been obvious to combine Seto and the APA with common knowledge in the art.

Art Unit: 2624

27. Re claim 14 Seto and the APA disclose all of the elements of claim 14 they do not disclose wherein the second memory is an electrically erasable programmable read only memory (EEPROM). However the examiner is taking official notice that one of ordinary skill in the art would know how to store data on any memory system including an EEPROM and the results (having data stored on an EEPROM) would be predictable. Therefore it would have been obvious to combine Seto and the APA with common knowledge in the art.
28. Claims 16, 20-21, and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over the APA and applicants admission of a non-distinct species.
29. Re claims 16, 20-21 and 29 these claims are substantially similar from claims 1, 6-7, and 15 except claim 16 (from which claims 20-21 and 29 depend) differs from claim 1 only at step b. As stated in the previous restriction requirement "Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S. C. 103(a) of the other species." Since applicant has asserted the two species are not patentable distinct. The two species are found obvious in view of each other under

Art Unit: 2624

35 U.S.C. 103(a). Therefore claims 16, 20-21 and 19 are obvious in view of the rejection to claims 1, 6-7 and 15 respectively.

30. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants APA and Dyas et al US 6,504,494 in view of applicants admission of a non-distinct species.

31. Re claims 17-19 these claims are the same as claims 3-5 only depending from claim 16. these claims are rejected for the same reasons as claims 3-5 (and see rejection for claim 16)

32. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA and common knowledge in the art in view of applicants admission of a non-distinct species..

33. Re claim 22 this claim is the same as claim 8 only depending from claim 16. This claim is rejected for the same reasons as claims 8 (and see rejection for claim 16)

34. Claims 23-34 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA and of Seto et al US 6,335,979 in view of applicants admission of a non-distinct species.

35. Re claims 23-24 and 26-27 these claims are the same as claims 9-10 and 12-13 only depending from claim 16. these claims are rejected for the same reasons as claims 3-5 (and see rejection for claim 16)
36. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA, Seto et al US 6,335,979 and common knowledge in the art in view of applicants admission of a non-distinct species.
37. Re claims 25 and 28, these claims are the same as claims 11 and 14 only depending from claim 16. These claims are rejected for the same reasons as claims 3-5 (and see rejection for claim 16.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Motsinger whose telephone number is 571-270-1237. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571)272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Motsinger
10/16/2007



JINGGE WU
SUPERVISORY PATENT EXAMINER